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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

By: _____

AARON WILSON
L.A. D.O.C. # 458937

: CIVIL ACTION NO: 5:12-cv-310

: SECTION P

VERSUS

: JUDGE DONALD E. WALTER

BURL CAIN

: MAG. JUDGE KATHLEEN KAY

JUDGMENT

For the reasons assigned in the memorandum ruling issued this same date, in addition to the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, [Doc. #57], and having conducted a *de novo* review the record, including the written objections filed, [Doc. #58], and concurring with the conclusion of the Magistrate Judge under the applicable law:

IT IS ORDERED that the Magistrate Judge's Report and Recommendation. [Doc. #57], be and is hereby **ADOPTED** and that petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2254, [Doc. #1], be and is hereby **GRANTED IN PART** and **DENIED IN PART**, as follows:

IT IS ORDERED that claim II of the petition, [Doc. #1], which argues that petitioner's mandatory life-without-parole sentence is unconstitutional, be and is hereby **GRANTED**; The court hereby grants a **CONDITIONAL WRIT** of habeas corpus with respect to claim II, such that petitioner will be released from custody unless the state re-sentences petitioner in accordance with *Montgomery v. Louisiana*, 136 S. Ct. 718, such re-sentencing to occur within a reasonable period of time;


IT IS FURTHER ORDERED that counsel for the state shall promptly notify the First Judicial District Court, Caddo Parish, Louisiana, of this court's order necessitating re-sentencing after a hearing;

IT IS FURTHER ORDERED that claims I and III of the petition, [Doc. #1], which argue that petitioner is entitled to habeas relief because the state violated *Batson v. Kentucky*, 476 U.S. 79 (1986), be and are hereby **DENIED and DISMISSED, WITH PREJUDICE**;

IT IS FURTHER ORDERED that petitioner's unopposed motion to stay and for abeyance of federal proceedings, [Doc. #59], be and is hereby **DENIED**.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, this 8 day of

April, 2016.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE